

REMARKS

Claims 1-2, 5, 7-15 and 49 were under consideration. All the claims were rejected under either old or new grounds as is discussed below. Most of the earlier rejections have been withdrawn, for which Applicants thank Examiner Blanchard. Also, objections based on formalities have been withdrawn, with one exception discussed below.

Applicants and the undersigned thank Examiner Blanchard for the courtesy of an interview conducted by telephone on June 14, 2007. Besides discussing the proposed amendments to claim 1 in overcoming the pending prior art rejection, the rejoinder of (1) peptide multimer claims and (2) methods of using the peptides (and peptide multimers) were discussed, and the undersigned attempted to clarify for the Examiner the nature of the subject matter claimed in claims 3 and 4 (and their differences).

In addition to the various amendments discussed below, Applicants have added new claim 58 as a dependent claim from claim 12. New claim 60 is directed to a pharmaceutical use of the peptide multimers, the rejoinder of which is being requested. Claims 61 and 62 are directed to a biochemical use of the peptide multimers when they are in the form of an affinity ligand (in claim 55, the rejoinder of which is being sought).

Applicants have not designated new claims 59-62 as “withdrawn,” but rather as “new” with the understanding that their entry depends upon the Office’s decision to rejoin their “parent” peptide multimer claims.

In view of this, the currently pending claims are 1-2, 5, 7-15, 49, and 58-62.

The claims whose rejoinder is being requested are claims 3, 4, 23, 24, and 50—55. The “categorical ” breakdown of these claims is as follows:

Claim for rejoinder	Subject matter claimed
Claims 23-24	Method of using pending peptides (dependent from pharmaceutical composition of active claim 11
Claims 50-51	Method of using affinity ligand of active claim 49.
Claims 3-4	Peptide multimers dependent from active claim 1
Claim 52	Diagnostically or therapeutically labeled peptide multimer of claim 3 or 4 (parallel in structure to active claim 5.
Claim 53	Pharmaceutical composition based on peptide multimer of claim 3 and 4.
Claim 54	Therapeutic composition of claim 53 with bound moiety
Claim 55	Affinity ligand comprising peptide multimer (parallel to active claim 49)

Claims 3-4, 16-48 and 50-55 were in withdrawn status. Applicants believe that now that allowable subject matter has been identified, the Examiner is prepared to reconsider various of these claims for rejoinder, further to the telephonic interview of June 24, 2007.

Withdrawn claims 16 to 22 and 25-48 are being cancelled as they are directed to non-elected inventions which Applicants understand are not under consideration for rejoinder. Applicants believe that in view of the number of cancelled claims, no fees are due for this smaller number of newly added claims.

It is submitted that no new matter has been introduced by the present amendments or new claims, and entry of the same is respectfully requested. Applicants respectfully submit that their application is now in condition for allowance.

I. Objection to Defective Oath/Declaration

The earlier objection to the oath or declaration as being defective as lacking the **citizenship of inventor Fernando Donate** was maintained because Applicants, while indicating that they would file such a document, overlooked this requirement. A Substitute Oath/Declaration is being filed herewith, executed by inventor Fernando Doñate and indicating his citizenship as "United States" (the information missing from the original Declaration).

II. Rejection under 35 U.S.C. 103(a) Maintained

The Action maintained the rejection of claims 1, 5, 7-15 and 49 as being obvious unpatentable over **Borza *et al.* [a]** (Biochemistry, 35:1925-34,1996) in view of **Azizkhan *et al.*** (J Exp Med 152:931-44, Oct 1980) and **Borza *et al.* [b]** (J Biol Chem 273:5493-99, 1998), and **Simantov *et al.*** (US 2001/0041670A1, 12/6/1999). Applicants note that Claim 2 was considered to be free of this rejection.

The Office Action discussed and refuted Applicants arguments from the Response filed on December 28, 2006. Neither of these discussions needs to be reiterated here. The rejection was based on certain open-ended language in claim 1. Applicants have amended claim 1 to remove this language and delete previous part (a) of the claim 1. According to the Examiner (in the interview), this is very likely to put this claim in condition for allowance.

In view of this amendment, and as discussed during the telephonic interview, this rejection may properly be withdrawn

III. NEW REJECTIONS

A. Noncompliance with Sequence Requirements

The Action stated that the application contains sequence disclosures that lack proper sequence identifiers (SEQ ID numbers), noting page 3, lines 29-31).

Applicants have amended the specification inserting existing SEQ ID NO's at the required locations. This does not necessitate the filing of a substitute sequenced listing (electronic or paper). Applicants believe that the application is now in sequence compliance.

B. Formal Objection to Claim 10

Claim 10 was objected to in the recitation "claims 8". Appropriate correction was required. Applicants have corrected this typographic error, obviating this objection.

C. Rejection Under 35 U.S.C. 112, Second paragraph

Claim 2

Claim 2 recited the limitation "said pentapeptide" for which there was insufficient antecedent basis. The Examiner found it unclear which pentapeptide was being referenced in the claim (*i.e.*, the pentapeptide of SEQ ID NO:8, SEQ ID NO:9 or SEQ ID NO:10).

In view of the amendment of claim 1, Applicants' believe that the language "said pentapeptide" is no longer unclear so that this ground for rejection may be withdrawn..

Claim 49

Claim 49 recited the limitation "**the binding molecule**" for which there was allegedly insufficient antecedent basis. The Action queried whether cells express an HPRG-binding molecule or some other "binding molecule"? The Examiner suggested amending the claim to recite "cells expressing an HPRG-binding molecule".

Applicants have indeed amended claim 49 accordingly, so that this ground for rejection may be withdrawn.

IV. Discussion of Rejoinder of Certain Non-elected Claims

Further to the discussion of claims which may be rejoined in this application, Applicants hereby request the rejoinder and allowance of claims 3, 4, 23, 24, and 50—55, as described briefly in the Table above. Applicants further request entry and allowance of new claims 59-61 that depend from various of these currently withdrawn claims.

V. CONCLUSION

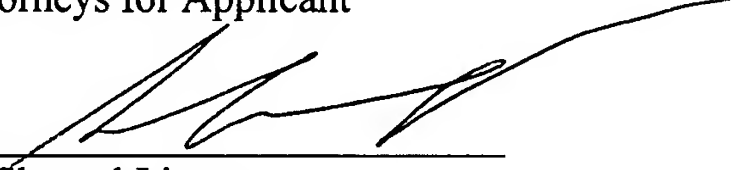
In conclusion, it is respectfully requested that the above amendments, remarks and requests be considered and entered. Applicants request that the currently pending claims, including the new claims, be allowed, and the requested claims be rejoined and allowed.

Applicant respectfully submits that all the present claims are free of the cited prior art and otherwise in condition for allowance, and respectfully requests early notice of such favorable action.

If in the Office's view, further issues remain in this case, Examiner Blanchard is respectfully requested to contact the undersigned at (202) 628-5197 to see if this can be remedied simply and rapidly, for example by either Applicants' or Examiner's Amendment.

Respectfully submitted,
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